

ESTTA Tracking number: **ESTTA479316**

Filing date: **06/21/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|---------------------------|---|
| Proceeding | 92054391 |
| Party | Defendant Hal Greene |
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| Date | 06/21/2012 |
| Attachments | Order Granting Motion to Remand.pdf (2 pages)(43458 bytes) |

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

HAL GREENE,
Appellant,

v.

TIMOTHY PITKA,
Appellee.

2012-1277
(Cancellation No. 92054391)

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board.

ON MOTION

Before NEWMAN, LOURIE and O'MALLEY, *Circuit Judges*.
NEWMAN, *Circuit Judge*.

ORDER

Hal Greene moves without opposition to remand to the Trademark Trial and Appeal Board (Board) for further proceedings and to dismiss the appeal.

The court cannot both dismiss the entire appeal and remand, as those are mutually exclusive dispositions. We

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understand that Greene seeks a remand so that the Board can rule on his motion for relief from final judgment, which the Board has indicated it will grant if the case is remanded.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to remand is granted.
- (2) The motion to dismiss is denied as unnecessary.
- (3) All pending motions are moot.
- (4) Each side shall bear its own costs.

FOR THE COURT

JUN 21 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Amber N. Davis, Esq.
Keith A. Barritt, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUN 21 2012

JAN HORBALY
CLERK